



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/622,207	07/18/2003	Edwin J. Hlavka	MICO-06C	4023		
26875	7590	10/28/2009	EXAMINER			
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				MATTHEWS, WILLIAM H		
ART UNIT		PAPER NUMBER				
3774						
MAIL DATE		DELIVERY MODE				
10/28/2009		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EDWIN J. HLAVKA,
and PAUL A. SPENCE

Application No. 10/622,207
Technology Center 3774

Mailed: October 28, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 20, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER/GROUNDS OF REJECTION

The Examiner's Answer mailed May 12, 2009 is defective, since it states under the Grounds of Rejection that Claims 60-67 and 69 are rejected under 35 U.S.C. 112, first paragraph However, the amendment filed October 30, 2008, canceled claims 1-59 and 68-70. Appropriate correction is required, for clarification of the record.

CONCLUSION

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) vacate the Examiner's Answer mailed May 12, 2009, and mail a Supplemental Examiner's Answer with the correct information for the claims under the Grounds of Rejection; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

dal

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202